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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,313	04/12/2000		Hidehiko Kira	000452	6169
23850	7590	01/14/2002			
ARMSTRONG, WESTERMAN & HATTORI, LLP 1725 K STREET, NW. SUITE 1000				EXAMINER	
				RENNER, CRAIG A	
WASHINGTON, DC 20006				ART UNIT	PAPER NUMBER
				2652	
			DATE MAIL ED: 01/14/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No. **09/548.313** 

Applicana(s)

Examiner

Craig A. Renner

Art Unit 2652

Kira et al.



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -**Period for Reply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1) Responsive to communication(s) filed on 24 Jul 2000 2b) This action is non-final. 2a) This action is FINAL. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims is/are pending in the application. 4) X Claim(s) 1-29 4a) Of the above, claim(s) \_\_\_\_\_\_ is/are withdrawn from consideration. 5) Claim(s) 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. are subject to restriction and/or election requirement. 8) X Claims 1-29 **Application Papers** 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are objected to by the Examiner. 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). a)  $\square$  All b)  $\square$  Some\* c)  $\square$  None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). \*See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachment(s) 18) Interview Summary (PTO-413) Paper No(s). 15) Notice of References Cited (PTO-892) 19) Notice of Informal Patent Application (PTO-152) 16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 20) Other: 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_

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1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-13, drawn to a head assembly chip, classified in class 360, subclass 244.1.
- II. Claims 14-19 and 28-29, drawn to a method of producing a head assembly chip, classified in class 29, subclass 603.03.
- III. Claims 20-27, drawn to an apparatus for producing a head assembly chip, classified in class 228, subclass 179.1.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions of groups II and I are related as process of making and product made, respectively. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, such as, a process not including "dicing", "sucking", "pushing", "removing", or "pressing", for instance.

Inventions of groups II and III are related as process and apparatus for its practice, respectively. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In

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this case, the process as claimed can be practiced by another materially different apparatus or by hand, such as, an apparatus not including a "transport mechanism", for instance.

Inventions of groups III and I are related as apparatus and product made, respectively. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case, the product as claimed can be made by another and materially different apparatus, such as, an apparatus not including a "transport mechanism", for instance.

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. § 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a petition under 37 C.F.R.

§ 1.48(b) and by the fee required under 37 C.F.R. § 1.17(i).

6. Any inquiry concerning the above referenced application should be directed to the

examiner, Craig A. Renner, whose telephone number is (703) 308-0559, and whose facsimile

number is (703) 872-9314. The examiner can normally be reached Tuesday through Friday from

7:30 a.m. to 6:00 p.m. E.S.T.

Craig A. Renner Primary Examiner

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**CAR** 

January 13, 2002

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